

SUBSTITUTE AMENDMENT UNDER 37 C.F.R. § 1.116
Application No.: 10/658,372

Attorney Docket No.: Q77434

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REMARKS

Claims 1 and 3-21 are pending in the application. Claims 1 and 3-14 are rejected. Claims 15-21 are allowable. Applicants have cancelled claims 1 and 3-14 and have amended claim 15 in order to correct a typographical error. Thus, all of remaining claims 15-21 should now be patentable.

Examiner Interview

The present Substitute Amendment Under 37 C.F.R. § 1.116 is being submitted in response to an Advisory Action issued by the Examiner on July 13, 2007, in which the Amendment filed on June 21, 2007 is non-compliant due to errors in the amendment to the title and abstract. The present Substitute Amendment is drafted pursuant to a telephone interview held with the Examiner on August 3, 2007, in which the errors in the amendment to the title and abstract were discussed as well as the changes needed to make the submission compliant. The Amendment is entitled "Substitute" because the Examiner advised that the previous Amendment was denied entry and a supplemental amendment would not be appropriate. Applicants have endeavored to make all the changes to errors identified in the Office Action dated December 22, 2006.

The present Application is now under Appeal, based on a Notice of Appeal filed on June 21, 2007. Thus, no extension of time is needed for submission and entry of this Amendment.

Specification

The Examiner continues to object to the Specification. Applicants have amended the specification in a manner believed to be consistent with the Examiner's suggestion.

Title

The Examiner continues to object to the Title. Applicants have amended the title in a manner believed to be consistent with the Examiner's suggestion.

Abstract

The Examiner continues to object to the Abstract. Applicants have amended the Abstract in a manner believed to be consistent with the Examiner's suggestion.

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Claim Objections

The Examiner has objected to claim 15 because of a typographical error and, in the manner suggested in page 6, line 1-2 of the Final Office Action, Applicants have amended claim 15, line 12 to change "sub strate" to --substrate--.

In order to put the present application in an allowance state, claims 1-14 are cancelled to leave allowable claims 15-21.

Claim Rejections - 35 USC § 112

Claims 1 and 3-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection is moot in view of the cancellation of the rejected claims.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 6, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Mirkanimi (US 2001/0019803) or Mirkanimi et al. (US 6,319,635) in view of either Nguyen et al. (US 6,048,652), Levinson (Principles of Lithography, SPIE --The International Society for Optical Engineering), or Barbee, Jr. et al. (US 6,396,900).

This rejection is moot in view of the cancellation of the rejected claims.

Claims 3-4, 7-9, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Mirkanimi (US 2001/0019803) or Mirkanimi et al. (US 6,319,635) in view of either Nguyen et al. (US 6,048,652), Levinson (Principles of Lithography, SPIE --The International Society for Optical Engineering), or Barbee, Jr. et al. (US 6,396,900), and further in view of Kumada et al. (US 2003/0152845).

This rejection is moot in view of the cancellation of the rejected claims.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Mirkanimi (US 2001/0019803) or Mirkanimi et al. (US 6,319,635) in view of either Nguyen et al. (US 6,048,652), Levinson (Principles of Lithography, SPIE --The International Society for Optical Engineering), or Barbee, Jr. et al. (US 6,396,900), further in view of Kumada et al. (US 2003/0152845), and further in view of Mangat et al. (US 6,596,465).

This rejection is moot in view of the cancellation of the rejected claims.

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Double Patenting

The Examiner states that the current November 2, 2006 amendment submission is non-responsive to the previous nonstatutory obviousness-type double patenting (ODP) rejections, which are updated below as necessitated by the current claim amendments.

Claims 1, 6, and 13-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 23 of U.S. Patent No. 5,958,627 (Shoki '627) in view of either Mirkanimi (US 2001/0019803) or Mirkanimi et al. (US 6,319,635), and further in view of either Nguyen et al. (US 6,048,652), Levinson (Principles of Lithography, SPIE --The International Society for Optical Engineering), or Barbee, Jr. et al. (US 6,396,900).

This rejection is moot in view of the cancellation of the rejected claims.

Claims 1, 6-7, and 13-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 and 8-9 of U.S. Patent No. 7,056,627 (Shoki et al. '627) in view of either Mirkanimi (US 2001/0019803) or Mirkanimi et al. (US 6,319,635), and further in view of either Nguyen et al. (US 6,048,652), Levinson (Principles of Lithography, SPIE --The International Society for Optical Engineering), or Barbee, Jr. et al. (US 6,396,900).

This rejection is moot in view of the cancellation of the rejected claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Alan J. Kasper/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

Date: August 6, 2007

Alan J. Kasper
Registration No. 25,426